

**Minutes of the Special and Regular Meeting Of March 8, 2005**  
**Twin Pines Senior and Community Center, 1223 Ralston Avenue**

**SPECIAL MEETINGS**

**CLOSED SESSION – 7:00 P.M.**

- A. Conference with Legal Counsel--Anticipated Litigation, Significant exposure to litigation pursuant to Government Code Section 54956.9(b)—One case.
- B. Conference with Real Property Negotiators, Dan Rich and Karl Mittelstadt, Regarding Purchase of Property pursuant to Government Code Section 54956.8: APN 044-042-180.
- C. Conference regarding Public Employee Appointment Pursuant to Government Code Section 54957: City Manager.

Attended by Councilmembers Feierbach, Bauer, Mathewson, Metropulos, Warden, Interim City Manager Rich (Items A and B only), Interim City Attorney Zafferano (Items A and B only), Public Works Director Davis (Item A only), City Engineer Phalen (Item A only), and Parks and Recreation Director Mittelstadt (Item B only). City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 7:25 P.M.

**Terri Cook**  
**Belmont City Clerk**

Meeting not tape recorded or videotaped.

**REGULAR MEETING**  
**CALL TO ORDER 7:40 P.M.**

**ROLL CALL**

COUNCILMEMBERS PRESENT: Warden, Feierbach, Bauer, Mathewson, Metropulos

COUNCILMEMBERS ABSENT: None

Staff Present: Interim City Manager Rich, Deputy City Attorney Zafferano, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

**REPORT FROM CLOSED SESSION**

Mayor Warden stated that direction was given on Items A and C held during the Closed Session earlier in the evening, and that action was taken on Item B, as follows:

**ACTION:** Mayor Warden reported that during a closed session, Council took action to approve an agreement to purchase real property at the corner of Semeria and Casa Bona Avenues (APN 044-042-180) in the amount of \$300,000. He noted that escrow was scheduled to close on March 31, 2005, and that the final vote on this matter was 4-0-1 (Warden, abstain).

**SPECIAL PRESENTATIONS**

### **Presentation of proceeds from Chamber of Commerce fundraiser to Friends of Belmont Library**

**Mary Morrissey-Parden**, Belmont Chamber of Commerce President, stated that the Chamber Board was unanimous in its decision to make the Friends of the Belmont Library the recipient of their recent Holiday Fundraiser. She presented a check in the amount of \$15,000.

**Joan Peceimer**, Friends of the Belmont Library President, thanked the Chamber, and noted that the Library was the recipient of the Chamber's first Fundraiser. She thanked all donors, and noted that FOBL had reached \$120,000 of its goal of \$350,000 to furnish the new Library, and FOBL was still accepting donations.

Mayor Warden thanked the Chamber, and thanked Mrs. Peceimer and the Friends for its efforts for the new Library.

### **Presentation by the City of San Mateo on Bay Meadows Development Proposal**

Mayor Warden stated that representatives from the City of San Mateo were invited to address the potential traffic impacts of the Bay Meadows project proposal on the City of Belmont.

**Larry Patterson**, City of San Mateo Public Works Director, reviewed the evolution of the transit-oriented development project over the last five years. He noted that the Environmental Impact Report (EIR), Corridor Plan, and Bay Meadows Plans were complete, and clarified that the Corridor Plan was currently before the San Mateo Planning Commission, and the Bay Meadows Plan would follow.

**Gary Black**, President, Hexigon, Inc. (traffic consulting firm), noted that the Project Plan analyzed various traffic scenarios, including no plan. He reviewed the project's land use comparisons for dwelling units, office space, and retail square footage, and noted that some density is already permitted under the General Plan. He reviewed trip generation and volume data, as well as intersection level of service with and without a project. He clarified that the EIR concluded that the impact of the proposed transit-oriented development (TOD) project was less than significant. He also reviewed freeway volumes.

Mr. Black stated that a letter was received from the City of Belmont in response to the draft EIR regarding the impact on other intersections besides Ralston Avenue, and he noted that further analysis indicated there would be no impact. He noted that the traffic impact of this project for Ralston Avenue and El Camino Real was considered significant and unavoidable. He clarified that due to right-of-way constraints, there would be no opportunity to make improvements at that intersection. He pointed out that the traffic study indicated that by 2020, the level of service at Ralston and El Camino would be at F regardless of this project.

In response to Councilmember Feierbach, Mr. Black clarified that the traffic statistics came from models from the Metropolitan Transportation Commission. He also responded that the San Mateo Planning Commission had not yet taken action regarding the Corridor Plan.

Councilmember Feierbach expressed concern that this project would generate cut-through traffic through the Sterling Downs neighborhood. Mr. Black noted that this issue was raised in

Belmont's comment letter to the EIR. He clarified that his firm's opinion was that the traffic demand for this project would affect only the north-south travel on El Camino Real.

In response to Councilmember Bauer, Mr. Patterson clarified that El Camino Real signals are currently interconnected, but could be changed if necessary. He noted that El Camino Real is already at capacity, and no additional capacity can be achieved.

Mr. Patterson also clarified that the California Environmental Quality Act (CEQA) requires that the San Mateo City Council make a finding of overriding consideration should it wish to approve the project. He noted that more comment time on the EIR is still available, and added that San Mateo may be able to contribute to traffic mitigations in the City of Belmont. He commented that Belmont is a good neighbor, and a long-term plan is needed to address these issues. He also commented that using various models and projections is always a forecast into the future, and adjustments can be made along the way.

Mayor Warden thanked Mr. Black and Mr. Patterson for their presentation, and noted that San Mateo is a good neighbor.

**AJOURNMENT at this time, being 8:15 P.M., to consider the Belmont Fire Protection District and Redevelopment Agency Agendas. Meeting reconvened at 10:10 P.M.**

#### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Metropulos announced that Carlmont Girl's Soccer and Basketball Teams each won Division I title. He added that the teams would be honored at the next Council meeting.

Councilmember Bauer announced that Notre Dame High School also won its division title for the third time. He also announced that Belmont Rotary and the Van's Restaurant would be sponsoring a fundraising dinner for the Library on March 21.

#### **AGENDA AMENDMENTS**

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Bauer, to consider Item 7-A (Request for a Permanent Encroachment Agreement for Constructing a Fence within the Public Right-of-Way at 1117 North Road - APN 044-142-010) immediately after the Consent Calendar and prior to other items on the agenda was unanimously approved by a show of hands.

#### **CONSENT CALENDAR**

**Approval of** Minutes of Regular Meeting of February 8, 2005, and Special Meeting of February 25, 2005 (City Manager Interviews).

**Approval of** Resolution 9640 Amending the Fiscal Year 2005 Budget and Approving a Revision to Revenue and Supplemental Appropriation for Mid Year Review.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Consent Agenda was unanimously approved by a show of hands.

**RECESS: 10:20 P.M.**  
**RECONVENE: 10:25 P.M.**

**MEETING EXTENSION:** At this time, being 10:25, on a motion by Councilmember Bauer, seconded by Councilmember Metropulos, the meeting was unanimously extended by one hour by a show of hands.

**NEW BUSINESS (Item considered out of order)**

**Request for a Permanent Encroachment Agreement for Constructing a Fence within the Public Right-of-Way at 1117 North Road-APN 044-142-010 (continued from February 22, 2005)**

Public Works Director Davis stated that a Stop Work Notice had been issued on this property when staff noted the installation of a new fence. He clarified that the existing fence, which has been in place for 30 years, extended into the right-of-way, and that no encroachment agreement existed. He stated that a finding of public benefit is required for approval, and that staff is unable to recommend approval because it can find no public benefit. Council has the ultimate authority. He clarified that the addition of the fence extends the owner's property into the right-of-way.

**Nick Giobres**, Applicant, stated that he started the paving work on the driveway portion of the property while awaiting encroachment permit approval. He stated that the creation of a parking pad constitutes public benefit. He showed a sketch of the proposed fence, and noted that it resulted in a safer sight distance for vehicles, and improved the condition for pedestrians. He commented that the new columns for the fencing would protect the property from drivers coming into the yard. He noted that there would be a fiscal impact if denied since they would be required to restore the property. He clarified that his parents, who own the home, are not physically able to manage the property, and he is helping them.

In response to Council questions, Mr. Giobres clarified that the portion of the property being repaved was originally paved over 30 years ago. Community Development Director Ewing stated that this timeframe pre-dates the current paving requirements, which limit the amount of paving in front yards.

In response to Council questions, Public Works Director Davis stated that vehicles have always been able to park off the street, so no new parking pad was being created. He added that this area of right-of-way is the responsibility of the adjacent property owner, regardless of its condition.

In response to Councilmember Bauer's question regarding the potential for leasing or selling the right-of-way property to the owner, Public Works Director Davis responded that staff had not explored the option of leasing or selling the property, but it could do so, if directed. He noted that this would involve the vacation of right-of-way. Interim City Attorney Zafferano noted that a license agreement could be considered as well.

Councilmember Feierbach stated that the fence should be moved back and the right-of-way maintained. She noted that approval of this would legalize an illegal action, which would set a bad precedent. She was in favor of the staff recommendation to deny the encroachment permit.

Mr. Giobres stated that he would indemnify the City for any liability. He stated he would consider other options as described. He noted that drivers often run the stop sign.

Councilmember Bauer supported exploring other options.

Councilmember Mathewson stated that property owners often do things unintentionally, which should be rectified when discovered. He is sympathetic with the owner, but is unable to make the finding of public benefit. He also requested additional information regarding the paving portion of the project to ensure the original driveway pre-dates the current regulation.

Councilmember Metropulos noted that property owners are often required to remedy prior illegal acts. He is sympathetic, but it is the property owner's responsibility to learn where property lines are located. He supported the other options for relief as described by staff.

Mayor Warden expressed concern regarding precedence. He noted that it would involve additional staff time to legalize the property using the other methods as described. He appreciates the situation, but is unable to make the finding of public benefit.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Mathewson, and approved by a roll call vote of 3-2 (Bauer, Metropulos no), to deny a Permanent Encroachment Agreement for Constructing a Fence within the Public Right-of-Way at 1117 North Road-APN 044-142-010 for the reason that the public benefit finding cannot be made.

## **HEARINGS**

**Public Hearing to Consider Revisions to Sections 2.16, 8.1.4, and 8.3.1(e) of the City of Belmont Zoning Code, amending the definition of a "bedroom" and threshold for requiring a parking upgrade (to conform with the standard of two garage spaces and two additional spaces) for single family residential projects.**

Principal Planner de Melo stated that the City Council and Planning Commission had been concerned about the expansion of homes without the requirement of additional parking. The Commission held hearings regarding this issue, and recommends approval of the amendments, which include bedroom definitions and the actions that would trigger the additional parking requirement. Staff recommended that the amendments only affect only those projects submitted following tonight's hearing date.

In response to Councilmember Metropulos, Principal Planner de Melo clarified that in order to meet the standard to be defined as a garage, the space must have an interior dimension of 20 feet by 20 feet, and be completely enclosed. He further clarified that the amendments to this ordinance would require that a garage meet those dimensions, plus provide for two additional off-street spaces, although those need not be covered. He added that an existing carport could be converted to meet the specifications as noted.

Mayor Warden opened the Public Hearing.

**George Mozingo**, San Mateo County Association of Realtors, expressed concerns regarding the triggers for the additional parking requirement. He stated there is no nexus between a kitchen or

dining room addition and the need for additional parking. He also stated that other cities have better bedroom definitions. He noted that the addition of a home office is a public benefit, since it alleviates traffic. He commented that walk-in closets are often large.

In response to Mayor Warden's question regarding master bedroom suites, Principal Planner de Melo responded that the Planning Commission discussed this issue and determined that if the space is capable of being used as a bedroom, with the addition of a closet, it has the potential to be a future bedroom. He noted that kitchens, bathrooms and dining rooms are clearly defined, and the issue is that applicants often use creative terms to describe other rooms that could potentially be converted to bedrooms.

Principal Planner de Melo also responded that the third trigger that any addition making the home exceed 3,000 square feet would cast a wider net of projects that would need to comply with the new parking requirement. He added that 37 of the 40 most recent applications would meet this requirement, but clarified that some were already in compliance. Community Development Director Ewing noted that in some cases there are homes exceeding 3,000 square feet without adequate parking.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

Councilmember Bauer stated that the Planning Commission provided good input on this issue, and he respects their work. He noted that some garages are not being used as garages, and the goal is off-street parking. These amendments make it difficult to expand one's home, and some sites do not accommodate additional off-street parking. He commented that converting living space to parking is onerous and unconscionable. Society is forced into using cars, and there is not adequate public transportation. He cannot support the bedroom definition or the trigger of a 600-square foot addition. These amendments push more projects into the system where there is already a backlog.

Councilmember Mathewson stated that he supported the Planning Commission's recommendation, and recommended a two-year review of the amendments. He also supported the recommendation that all current applicants would follow the existing rules. He noted that more cars require more parking. The Planning Commission explored all options, and a solution is necessary.

Councilmember Feierbach stated that she supported a two-year review, but expressed concerns regarding the issue of a kitchen expansion that triggers the 3,000 square foot maximum, and the need for additional parking.

Councilmember Metropulos agreed that many homes are under-parked. He supports the two-year review and the exemption for current applications. He noted that future applicants could appeal for relief.

Mayor Warden noted that a variance is always available. Community Development Director Ewing responded that the findings may be difficult to make, but application could be made.

Mayor Warden stated there is a need to ensure that parking is addressed on homes to be expanded to 3,000 square feet containing only a one-car garage. He cited a number of streets where it is difficult to maneuver because of the on-street parking. He noted the problem would only worsen without this amendment. Bigger families need bigger homes with more parking. He supports the trial period as well as the exemption for current applicants. He noted that many homes already meet the proposed new standard, and that 600 square feet is a substantial addition.

In response to Councilmember Mathewson, Principal Planner de Melo stated that the workload may not be affected since a 600 square-foot addition requires a Planning Commission hearing anyway, for design review. He noted that applicants might adjust their project in order to fall within the threshold for administrative approval.

**ACTION:** On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, to introduce an ordinance revising Sections 2.16, 8.1.4, and 8.3.1(e) of the City of Belmont Zoning Code, amending the definition of a "bedroom" and threshold for requiring a parking upgrade (to conform with the standard of two garage spaces and two additional spaces) for single-family residential projects, to include a two-year review period, waiving further reading, and setting the second hearing and adoption for March 22, 2005, was approved by a show of hands (4-1, Bauer no).

**MEETING EXTENSION:** At this time, being 11:25 P.M., on a motion by Councilmember Mathewson, seconded by Councilmember Metropulos, the meeting was unanimously extended by thirty minutes by a show of hands.

**Public Hearing to Consider Revisions to the Belmont Zoning Amendment to the Zoning Map to Re-designate Certain City-owned Properties from HRO-3 to Agriculture and Revisions to Section 7 of the Belmont Zoning Ordinance regarding Permitted Uses in the Agriculture (A) District**

Community Development Department Director Ewing stated that this proposed amendment affecting areas in the Western Hills is a result of the work of the Outdoor Recreation Task Force. He noted that the proposed new zone is more restrictive. He commented that there may be a desire in the future to address the land uses permitted in the Agricultural zoning to eliminate institutional uses.

Mayor Warden opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Bauer, seconded by Councilmember Mathewson, the Public Hearing was unanimously closed by a show of hands.

Councilmember Feierbach stated that she could not support the amendment. She noted that permanent open space is desired for this region, and uses permitted in the Agricultural (A) zone were of concern. She noted that A zone is used as a temporary zoning for future needs and uses, and HRO-3 may be more restrictive. There is no advantage to changing the zoning for this property.

Mayor Warden stated that he was concerned with one-acre parcels and the potential for school use. He noted that the proposed change of zoning removes protection of the land. He does not support the amendment.

Councilmember Metropulos stated that the Planning Commission unanimously recommended this amendment. Mayor Warden responded that there was no discussion of this issue at the Commission level.

Councilmember Mathewson stated that there may be a desire for new zoning districts in the future.

Interim City Manager Rich stated that the Outdoor Recreation Task Force's intent was for greater protection for this property, recognizing that any future city council could make a change with a subsequent ordinance.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Bauer, and unanimously approved by a show of hands to table this item.

## **OLD BUSINESS**

### **Appointment of Members to Permit Efficiency Task Force**

Community Development stated that the Mayor and Vice Mayor recommended approval of the citizen members of the Task Force, as proposed. He noted that all the proposed members have agreed to serve.

In response to Councilmember Bauer, Mayor Warden reviewed the process by which the recommended roster was developed, and added that he, Vice Mayor Mathewson, Community Development Director Ewing and Principal Planner de Melo spent considerable time culling names from a long list of potential members. He noted that a balance of those experienced with residential and commercial development was sought.

Councilmember Bauer requested inclusion of contractors who have experience in Belmont. He noted they would add value to the process, and that there was one space available on the task force.

Mayor Warden responded that names of potential task force members should have been forwarded for consideration prior to this evening. He noted that there were others who wished to be considered who were not chosen, including names of people submitted by other Councilmembers. The task force meetings would be publicly noticed open meetings, so anyone can attend and provide input. The process for development of the membership of this task force was developed some time ago, and he could not support additional members without reviewing their background. He noted that several general contractors were already included on the proposed roster.

Community Development Director Ewing stated that in addition to publicly noticing the meetings, outreach would be made to contractors and project applicants, inviting their attendance and input.



Councilmember Metropulos noted that this subject has been talked about for several months, and that he had provided names of people to include on the task force.

**ACTION:** On a motion by Councilmember Metropulos, seconded by Councilmember Feierbach, and approved by a show of hands (4-1, Bauer no), to approve the roster for the Permit Efficiency Task Force, as follows: Mayor Dave Warden/Vice Mayor Phil Mathewson (Steering Committee); Warren Gibson, David Long, Jacki Horton (Planning Commissioners); Brian Korn, Steve Simpson, Ken Hall, Colette Sylver, Jerry Steinberg, Will Markle (Citizen Representatives).

## **NEW BUSINESS**

### **Biannual Review of Council Priority Calendar - Step One: Reviewing and Ranking Projects**

Interim City Manager Rich explained the consolidation of the process to provide for a two-step process rather than three steps. He clarified that only new projects were to be ranked and that work would continue on existing projects.

Mayor Warden noted that the bulk of items to be ranked were in Community Development.

Councilmember Feierbach stated that she was not prepared to rank these projects at this time.

City Clerk Cook read a Comment Form submitted by **Hartley Laughead**, Sequoia Way, requesting that the Council give consideration to the Historic Preservation project for the Priority Calendar. She noted that the Planning Commission made recommendations regarding this item.

**ACTION:** On a motion by Mayor Warden, seconded by Councilmember Mathewson, and unanimously approved by a show of hands to continue this item to the next meeting.

## **MATTERS OF COUNCIL INTEREST/CLARIFICATION**

### **Discussion and direction regarding electronic timer for public speakers for new Council chambers (continued from February 8, 2005 and February 22, 2005, Warden).**

Mayor Warden stated that this issue is more than just the utilization of a timer. He stated he does not like to interrupt people, and he would like to have a more professional way of managing speakers. He noted that a lighted timer system is visual and less distracting, and these systems are used in other public speaking venues. He would like to install this equipment in the new Council Chambers, and also recommended increasing the amount of public speaking time to three minutes.

Interim City Manager Rich noted that this equipment would cost less than \$1,000, and that the Council Protocols will be reviewed in April when time limits could be addressed.

Council concurred to have staff purchase and install an electronic lighted timer system for the new Council Chambers.

**ADJOURNMENT** at this time, being 12:05 A.M.

Terri Cook  
Belmont City Clerk

Meeting Tape Recorded and Videotaped  
Tape No. 605  
Minutes approved 4/26/2005